

Appln. No. 10/635,354
Amdt. dated August 5, 2004
Reply to Office Action of June 15, 2004

REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner for the comprehensive Office Action rendered in the above-identified application.

The Examiner in this Office Action has rejected Claims 1-14 and 16-22 and objected to Claim 15. The Examiner has indicated that Claim 15 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office Action. The Examiner has indicated that the prior art of record does not teach a lower shelf member extending outwardly from the backing plate member at an angle with respect to the backing plate of greater than ninety degrees.

Applicants have taken the language of originally submitted Claim 1 and amended it to include the limitations of Claim 14 and Claim 15 therein and presents that claim newly as Claim 23. Applicants have deleted the original language wherein the ejection means is defined as being an active ejection means and has replaced that language with the language of Claims 14 and 15 defining a passive ejection means formed by the angular lower shelf member being oriented extending outwardly from the back of the plate member at an angle of greater than ninety degrees with respect thereto. As such, applicants deem that the revised language of Claim 1 as now submitted herewith as Claim 23 is allowable over the prior art of record as noted by the Examiner. Applicant has also included newly submitted dependent Claims 24, 25 and 26 describing various modifications of the configuration of the ejection means. Since Claim 23 as now presented is allowable, applicants deem that Claims 24-26 are also allowable.

Claim 22 as originally presented included in sub-paragraph F. the following language "...said lower shelf member extending outwardly from said backing plate member at an angle with respect thereto of greater than ninety degrees to facilitate passive ejection of a cylindrical tank member from said tank storage zone means unless retained therewithin by said restraining means.". In view of this language and the position taken by the Examiner, applicants deem that Claim 22 should now be indicated as being allowable and such action is respectfully solicited.

Applicants have specifically noted the arguments presented by the Examiner and in particular in regard to the Kramer reference 3,317,171 and the A. F. Playfair et al reference 2,168,136. The Kramer reference makes use of the combination of a spring 12 and a retaining arm and clip 18 and 19 to retain a cup in a holder. The configuration of the retaining clip 23, 21, 18 and 19 is to facilitate retaining rather than ejecting of the member 20 from its storage location. The spring 12 is defined in the patent as a means for exerting bias against the tumbler 20 which in turn exerts bias against arm 18 causing member 21 to engage the lower outwardly extending member 17 to prevent exiting of the tumbler 20 from its storage position rather than to eject the tumbler therefrom. The apparatus of the present invention is distinctly different since the apparatus of the present invention is designed to eject the tumbler when not held therein by the restraining or strapping means. The member 21 is movable along the longitudinal member 17 in the Kramer patent in order to vary the positioning of retaining arm 18 with respect to the spring 12. In this manner various different sizes of tumblers 20 can be accommodated. However, in each case, the force exerted by member 12 against tumbler 20 exerts a force against the member 21 causing it to bind against the member 16 and in that manner hold member 18 in fixed position and in this manner retain the tumbler in the stored position. This is entirely opposite to the operation of the apparatus of the present invention wherein an external strapping means or restraining means is included for holding of the cylindrical member 11 in the storage zone such that when the external restraining means is removed the ejecting member shown in the embodiment as flat spring 62 causes the cylindrical tank to be ejected rather than retained within the storage zone.

Also the configuration in the Kramer reference is distinguishable from the apparatus of the present invention since the retaining arms in the Kramer reference are shown by reference numerals 19 whereas the retaining arms in the present invention are defined as the upper clamping member and lower clamping member each including a clamp base and two clamp arms. These are all defined to be attached with respect to the backing plate member and the ejection means is also defined in Claim 1 as presently presented to be secured to the backing plate member. The ejection means as well as the clamping members of the present invention are structurally distinguishable in the language of Claim 1 from the Kramer reference since these clamping arms extend outwardly away from the backing plate member whereas in the Kramer reference they extend rearwardly toward the backing plate member. This is a specific difference in construction as detailed in the language of Claim 1 which was not included in the Kramer reference.

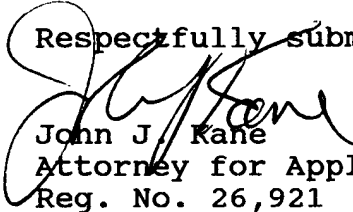
Applicants have also noted the Playfair et al Patent No. 2,168,136. That patent is designed to eject spherical objects rather than cylindrical objects. The applicant has amended Claim 1 and Claim 21 to clearly define the use of the clamping members and ejection means of the present invention to be usable with respect to the cylindrical exterior surface or shape of the cylindrical tank members with which the present invention is defined specifically to be usable. The Playfair patent is distinguishable since it is initially not defined and not usable with respect to cylindrically shaped objects due to the shape of the spring 15. Also the spring 15 provides not only a resilient biasing means against the fire extinguisher bomb when placed therein but also provides the seating surface for defining the tank retaining zone. The present invention utilizes upper and lower clamping members specifically each with outwardly extending clamping arms which are defined to provide this seating surface. Thus the seating surface of the present invention is separate and distinct from the ejection means whereas in the Playfair patent they comprise the same part. These parts are clearly defined separately in all of the claims of the present invention and in particular in Claim 1. In view of these arguments applicants now deem that Claim 1 as amended and Claim 21 as amended define patentable subject matter over all the prior art known to the applicant and, in particular, over the references cited by the Examiner specifically Kramer reference 3,317,171 and A. F. Playfair et al reference 2,168,136.

The Examiner is hereby authorized to charge the filing fee for the addition of four claims, one of which is independent, in the amount of \$79 to our Deposit Account No. 19-3750 as well as charging any other fees that need be paid in order to maintain the pendency of this application. In view of the amendments to Claim 1 and the fact that Claims 2-20 are dependent thereon, applicants deem that Claim 1-20 should now be deemed in allowable condition. Applicants also deem that Claim 21 is amended similarly to Claim 1 and, as such, should be similarly deemed to be allowable. Also Claim 22 includes the limitations in regard to be greater than ninety degree angularly relationship between the foot pad and the backing plate and, as such, is in allowable condition. Claims 23-26 are also deemed to be allowable condition as indicated by the allowable subject matter section of the Office Action issued by the Examiner.

In view of these amendments, applicants deem that all of the claims as now currently pending in the present application are in allowable condition and the issuance of a Notice of Allowance on this application is hereby respectfully solicited.

The Examiner is encouraged to telephone the below attorney to resolve any outstanding matters in order to expedite the prosecution of this application.

Respectfully submitted,


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